

NTSB Order No. EA-5096

Issued under delegated authority (49 C.F.R. 800.24)
on the 4th day of June, 2004

Respondent.

On February 3, 2004, respondent, through counsel, filed a notice of appeal from a February 2, 2004 oral initial decision of Administrative Law Judge William E. Fowler, Jr., affirming the Administrator's emergency order of revocation.¹ However, respondent did not subsequently file a timely appeal brief,² and his appeal is therefore subject to dismissal under section

²Respondent's appeal brief was due on March 23, 2004.

821.48(a) of the Board's Rules of Practice.³ See 49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Ronald S. Battocchi
General Counsel

³Section 821.48(a) provides, in relevant part, as follows:

§ 821.48 Briefs and oral argument.

(a) *Appeal briefs*...Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.